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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 DELBERT M. GREENE,

9 *Petitioner,*

10 vs.

3:09-cv-00601-RCJ-VPC

11 E.K. McDANIEL, *et al.*,

ORDER

12 *Respondents.*

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15 This habeas matter comes before the Court on petitioner's counsel's motion (#46) to
16 withdraw as counsel and petitioner's proper person motion (#47) for appointment of
17 replacement counsel.

18 Counsel's motion to withdraw does not reflect that he served the motion upon
19 petitioner, as required by Local Rule IA 10-6(b). However, it appears that both petitioner and
20 counsel are desirous of petitioner being allowed to withdraw in favor of the appointment of
21 replacement counsel, following upon current counsel taking another position that precludes
22 continued representation of petitioner by counsel. The Court therefore will grant both
23 motions. The Court also will extend petitioner's time to file a motion to reopen the case off
24 the stay. The Court will reset the deadline for filing a motion to reopen in the order appointing
25 the specific replacement panel attorney who takes the case.

26 IT THEREFORE IS ORDERED that petitioner's counsel's motion (#46) to withdraw as
27 counsel and petitioner's proper person motion (#47) for appointment of replacement counsel
28 both are GRANTED.

1 IT FURTHER IS ORDERED that Marc P. Picker, Esq., hereby is WITHDRAWN as
2 counsel.

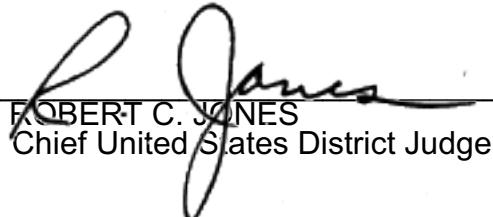
3 IT FURTHER IS ORDERED that petitioner's deadline for filing a motion to reopen
4 following the issuance of the remittitur by the Supreme Court of Nevada on the pending state
5 post-conviction appeal is extended without date, pending further order of this Court.

6 IT FURTHER IS ORDERED that the Clerk of Court shall substitute Renee Baker for
7 E.K. McDaniel as a respondent herein.

8 The Clerk shall forward this order to the CJA Coordinator for this Division. The CJA
9 Coordinator shall identify a replacement panel attorney and forward their name and address
10 to the *pro se* law clerk assigned to the file, who thereafter shall forward a draft appointment
11 and scheduling order for the Court's review.

12 The Clerk additionally shall mail a copy of this order to the petitioner himself,
13 addressed to Delbert M. Greene, #78774, Ely State Prison, P.O.Box 1989, Ely, NV 89301.

14 DATED: This 16th day of September, 2013.

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17 ROBERT C. JONES
18 Chief United States District Judge
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